

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

FRED MEYER STORES, INC.

and

Case 19-CA-32171

**UNITED FOOD AND COMMERCIAL
WORKERS LOCAL 367, affiliated with
UNITED FOOD AND COMMERCIAL
WORKERS INTERNATIONAL UNION**

ORDER¹

The Respondent's Motion for Reconsideration of the Board's Decision and Order reported at 355 NLRB No. 141 (2010) is denied. The Respondent has not identified any material error or demonstrated extraordinary circumstances warranting reconsideration under Section 102.48(d)(1) of the Board's Rules and Regulations.²

Dated, Washington, D.C., February 7, 2011.

WILMA B. LIEBMAN,	CHAIRMAN
CRAIG BECKER,	MEMBER
BRIAN E. HAYES,	MEMBER

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- ¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.
- ² The Respondent's claim that it did not admit its refusal to bargain with the Union is not supported by the record. Its answer to the complaint expressly admits that it sent a June 26, 2009 letter to the Union in which it refused to bargain. Its argument that this action was not legally significant does not create a disputed issue of fact precluding summary judgment. The Respondent's new claim that it has evidence that it did, in fact, bargain with the Union also does not warrant granting reconsideration. The Respondent does not describe the nature of the evidence it wishes to present, show how this alleged evidence is relevant to the instant matter, or suggest that it is currently bargaining with the Union. See Sec. 102.48(d)(1) of the Board's Rules and Regulations.